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OFFICE OF PETITIONS

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|-----------------------------|---|-------------|
| In re Application of | : | |
| Marshall, et al. | : | |
| Application No. 09/809,004 | : | ON PETITION |
| Filed: March 16, 2001 | : | |
| Attorney Docket No. 1305/23 | : | |

This is a decision on the petition under 37 CFR 1.137(b), filed September 29, 2006, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the Notice of Non-Compliant Amendment mailed November 28, 2005. This Office action set an extendable period for reply of one month. No extensions of time were obtained. Accordingly, no reply having been received, the application became abandoned on December 29, 2005. A Notice of Abandonment was mailed on August 8, 2006.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Amendment.

The matter is being forwarded to Group Art Unit 2623 for consideration of the Amendment filed September 29, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions